

ORIGINAL

INTERVENTION



0000138797

Travis Ritchie (*pro hac vice* pending)  
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Sierra Club Environmental Law Program  
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Attorney for Sierra Club

**Before the Arizona Corporation Commission**

GARY PIERCE, CHAIRMAN  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP  
BRENDA BURNS

Arizona Corporation Commission

**DOCKETED**

AUG 28 2012

DOCKETED

IN THE MATTER OF THE APPLICATION  
OF TUCSON ELECTRIC POWER  
COMPANY FOR THE ESTABLISHMENT OF  
JUST AND REASONABLE RATES AND  
CHARGES DESIGNED TO REALIZE A  
REASONABLE RATE OF RETURN ON THE  
FAIR VALUE OF ITS OPERATIONS  
THROUGHOUT THE STATE OF ARIZONA.

Docket No. E-01933A-12-0291

**PETITION FOR LEAVE TO  
INTERVENE BY SIERRA CLUB**

Pursuant to R14-3-105 of the Rules of Practice and Procedure of the Arizona Corporation Commission, Sierra Club hereby petitions for leave to intervene in the above-captioned proceeding.

**Sierra Club**

1. Sierra Club is a national, non-profit environmental and conservation organization incorporated under the laws of the State of California. The Sierra Club is dedicated to the protection of public health and the environment. Sierra Club petitions to intervene in this proceeding on behalf of itself and its approximately 11,000 Sierra Club members who live and

1 purchase utility services in Arizona, many of whom are residential customers of Tucson Electric  
2 Power Company ("TEP"). Sierra Club's Arizona members have a direct and substantial interest  
3 in this proceeding because TEP's proposed rate application will have environmental, health and  
4 economic consequences for Sierra Club members who are customers of TEP.

5         2.       In particular, Sierra Club intends to address TEP's proposed Environmental  
6 Compliance Adjustor ("ECA"). Sierra Club is concerned that the ECA would eliminate the  
7 regulatory lag for certain major capital expenses related to TEP's coal fleet by automatically  
8 allowing such expenses to flow through to rates. Such a mechanism presupposes that major  
9 capital expenses for environmental compliance costs for TEP's coal facilities are unavoidable,  
10 and the ECA may therefore eliminate any incentive for TEP management to consider whether  
11 alternatives to major capital expenditures at aging coal facilities - such as replacement generation  
12 or energy efficiency - could provide a better value for ratepayers. Sierra Club may also address  
13 TEP's proposals related to investments in energy efficiency and renewable energy including, but  
14 not limited to, the Energy Efficiency Resource Plan, the TEP Solar Ownership Plan, and the  
15 Post-Test Year Plan. Sierra Club members have a direct and substantial interest in these issues  
16 and therefore have a right to participate in this proceeding to inform the Commission of their  
17 interests, both environmental and economic, that relate to the future treatment of costs resulting  
18 from major capital expenses at TEP's coal-fired power plants.

19         3.       Sierra Club's Beyond Coal campaign advances the development of energy  
20 conservation and renewable energy policies, which eliminate or reduce global climate change  
21 emissions, reduce utility bills, and generate renewable energy. Sierra Club's work includes  
22 advocating for the implementation of robust incentive programs that assist its members and  
23 utility consumers generally to generate their own renewable energy and increase energy  
24 efficiency. The Sierra Club's work includes intervening in efficiency and renewable energy  
25

1 dockets at public utility commissions nationwide, submitting comments in numerous state and  
2 federal agency energy-related proceedings and rulemakings, attending and speaking at public  
3 hearings, speaking to students and civic and other organizations, and holding seminars and  
4 symposia – all in support of policies to reduce the impact of climate change and other air  
5 pollution by promoting clean energy alternatives and energy efficiency. Sierra Club members  
6 have worked tirelessly to reduce reliance on carbon emitting energy sources such as coal plants  
7 by promoting clean energy alternatives and energy efficiency measures.

8         4.       Sierra Club has an interest in this docket because its members who live within  
9 TEP service territory will be directly and substantially affected by TEP's proposed ECA for costs  
10 related to coal-fired electric generating fleet, and by TEP's proposals related to investments in  
11 energy efficiency and renewable energy.

12         5.       Intervention by Sierra Club will not unduly broaden the issues or delay the  
13 proceeding.

14         6.       Sierra Club attorney Travis Ritchie requests permission from the Commission to  
15 appear *pro hac vice* on a temporary basis pursuant to Supreme Court Rule 38(a)(3). There is  
16 good cause to allow temporary admission because it will allow Sierra Club to participate in the  
17 proceeding without delay. Mr. Ritchie is a member in good standing of the State Bar of  
18 California (Bar No. 258084) and is currently in the process of completing the application for  
19 admission *pro hac vice*.

20         7.       Sierra Club requests that all pleadings, correspondence, discovery, and other  
21 documents be served on the following:

22                       Travis Ritchie  
23                       Sierra Club Environmental Law Program  
24                       85 Second Street, 2nd Floor  
25                       San Francisco, CA 94105  
                      Phone: 415-977-5727  
                      travis.ritchie@sierraclub.org

1 WHEREFORE, Sierra Club respectfully requests that the Commission issue an order  
2 granting Petition for Leave to Intervene in the above-captioned proceeding.  
3

4 Dated this 27th day of August, 2012  
5

6 

7 Travis Ritchie  
8 Sierra Club Environmental Law Program  
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10 San Francisco, CA 94105  
11 Phone: 415-977-5727  
12 Fax: 415-977-5793  
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14 Attorney for Sierra Club  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> of August 2012 I served the Sierra Club's PETITION FOR LEAVE TO INTERVENE in Docket No. E-01933A-12-0291 upon all parties of record in this proceeding via FedEx or U.S. Mail, first class postage prepaid.

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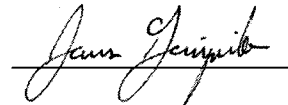
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Dated at San Francisco, CA, this 27th of August of 2012.



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